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for § 3135 Ga. Civ. Code *supra*, the holding of the principal case and other cases in accord therewith, is that a tenant who contracts unconditionally to pay rent, will be held to his agreement unless disturbed in his possession by such acts of the landlord as amount to an eviction. It is not sufficient to show that the landlord was an advocate of local option and instrumental in having a local option law put into effect. *Baughman v. Portman*, 14 S. W. 342 (Ky. Ct. of Appeals).

LICENSE—PAROL PERMISSION TO USE LANDS—REVOCATION OF, AFTER EXPENDITURES BY LICENSEE.—The owner of land orally gave to another a license to occupy and use the premises while employed by parties who had leased the land for oil and gas purposes. The licensee, at his own expense, and with the knowledge of the landowner, erected buildings upon the premises. *Held*, that the license was revocable, and that it was revoked by the death of the licensor. *Fowler v. Delaplain*, (1909), — Ohio St. —, 87 N. E. 260.

The authorities are in conflict upon the question as to whether a parol license to use real property may become irrevocable. See 4 MICH. L. REV. 660. It has frequently been held, under a variety of circumstances, that when a licensee has incurred expense in acting upon the faith of the license, equity will not allow a revocation of it. In view of the statute of frauds, however, the only support in principle for such a doctrine must rest in the theory of part performance of a parol contract to grant or convey the interest in land which will result from making the license irrevocable. This can apply only where there has been some such contract, and not to the case of a mere naked license. *Ewing v. Rhea*, 37 Ore. 583, 62 Pac. 790, 82 Am. St. Rep. 783, 52 L. R. A. 140; *Hathaway v. Yakima Water, etc., Co.*, 14 Wash. 469, 53 Am. St. Rep. 874, 44 Pac. 896; *Nowlin v. Lumber Co.*, 119 Mich. 406, 78 N. W. 338; *Thoenke v. Fiedler*, 91 Wis. 386, 64 N. W. 1030. The principal case comes within the recent ruling of the same court in *Yeager et al. v. Tuning et al.*, 86 N. E. 657, where it was held that a parol license to construct a telephone line upon land was revocable by the licensor, after the line had been constructed. The subject is very fully discussed in the note to *Pifer v. Brown*, 49 L. R. A. 497.

MANDAMUS—NATURE OF THE REMEDY.—The constitution of North Carolina makes the duty of levying an annual tax for school purposes peremptory upon the Board of County Commissioners. It likewise directs the County Board of Education to submit to the former board an estimate of the necessary amount needed. Where the Board of Education sought by mandamus to compel the Commissioners to levy a tax in accordance with the estimate submitted, it was *held*, mandamus would not lie, (CLARK, C.J., dissenting). *Board of Education of Cherokee County v. Board of Commissioners*, (1909), — N. C. —, 63 S. E. 724.

This case is not important in that it announces any new principle of law or even presents a close application of an old one. We note it here, principally, because of its great value as defining the nature and extent of mandamus.